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Docket No. TRE-1-C4P5C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Avi Treves and Vivian Barak

Serial No: 09/863,659

Group Art Unit: 1652

Filed: May 21, 2000

For: Cytostatic Factor

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**TRANSMITTAL LETTER AND  
PETITION FOR EXTENSION OF TIME**

1. Transmitted herewith is a proper response to an earlier received Notice to File Missing Parts of Nonprovisional Application and Petition under 37 CFR 1.53(b) all regarding the application identified above.

**STATUS**

2. Applicant is

X a small entity

**CERTIFICATE OF MAILING 37 (CFR 1.8a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

01/29/2002 HTECKLU1 00000085 090071 09863659

Type or print name Curt Hoffman

01 FC:217 460.00 CH

Date: November 12, 2001

01/29/2002 HTECKLU1 00000085 090071 09863659

(Signature) 

02 FC:205 65.00 CH

## EXTENSION OF TIME

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.\*

- (a) X Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 3 CFR 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u>X</u> three months	\$920.00	\$460.00

**If an additional extension of time is required please consider this a petition therefor.**

**Verified statements claiming small entity status have been filed.**

(check and complete the next item, if applicable)

- (b)    An extension for            months has already been secured and the fee paid therefor of \$        is deducted from the total fee due for the total months of extension now requested.
- (c) X Extension fee due with this request (a-b) \$ 460.00

**OR**

- (d)    Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

\*Extension of Time in Patent Cases (Supplement Amendments) if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period the period has ceased to run." Notice of December 10, 1985 (1061 O.G.35).

4.   X   A proper response is enclosed.

**FEES FOR LATE FILING OF OATH OR DECLARATION SURCHARGE  
UNDER 37 CFR 1.16(e)**

5.   X   A fee under 37 CFR 1.16 (e) for late filing of oath or declaration in the amount of  
\$ 65.00 is required.

6.   X   Total fee required:

**TOTAL FEE PAYMENT (3(c) and 5 and 6 : \$525.00**

7.        Attached is a check in the sum of \$

  X   Charge Account No. 09-0071 in the sum of \$525.00

A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

8.   X   If any additional extension and/or fee is required, charge Account No. 09-0071.

**AND/OR**

  X   If any additional fee for claims is required, charge Account No. 09-0071.

Respectfully submitted,



Thomas C. Gallagher  
Reg. No. 37,066

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November 12, 2001